

plan of operation, the authorized officer shall consult with and receive comments from appropriate Federal and State agencies, operating rights owners, operators, and other interested parties. Before permitting operations to be commenced on the leased lands, the authorized officer shall determine if the lease is in good standing; whether the applicant has filed an acceptable bond, and has, when required by the regulations in this part, an approved plan of operations and/or plan of utilization, notice of intent, Sundry Notice or other appropriate permit. Approval of a plan of operations or other permit does not warrant or certify that the applicant holds legal or equitable title to the subject lease(s) which would entitle the applicant to conduct operations.

[48 FR 44789, Sept. 30, 1983, as amended at 53 FR 17373, May 16, 1988]

§ 3261.3 Regulation of operations.

(a)(1) All operations performed under this part shall be conducted so as to:

- (i) Prevent the unnecessary waste of or damage to geothermal or other resources;
- (ii) Protect the quality of surface and subsurface waters, air, and other natural resources, including wildlife, soil, vegetation, and natural history;
- (iii) Protect the quality of valuable cultural resources, including archeological, historical, scenic and recreational resources;
- (iv) Accommodate, as much as possible, other land uses;
- (v) Protect human and wildlife resources from harmful levels of noise;
- (vi) Prevent injury to life; and
- (vii) Prevent damage to property, particularly from subsidence.

(2) The authorized officer shall inspect and supervise all operations under this part to ensure that the requirements of paragraph (a)(1) of this section are fulfilled, and shall issue such GRO Orders as are necessary to discharge this responsibility.

(3) GRO Orders shall be enforceable under § 3265.1 of this title.

(b) The authorized officer, through coordination with appropriate Federal surface managing agencies and in cooperation with other concerned Federal, State, and local agencies, shall prepare an environmental assessment

in connection with any and all plans submitted to the authorized officer pursuant to § 3262.4-1 of this title.

(1) The environmental assessment shall include a description of the proposed action, an evaluation of the potential impact of the proposed action on the affected area, a discussion of alternatives to the proposed action, and a description of the mitigating measures that will be applied to eliminate or reduce adverse impacts. The environmental assessment shall also include a statement of reasons as to whether or not an environmental impact statement (EIS) is required.

(2) The authorized officer shall determine whether or not an environmental impact statement is required, based upon the findings and conclusions of the environmental assessment. If an environmental impact statement is required, it shall be prepared in accordance with the provisions of 40 CFR Group 1500.

(3) The environmental assessment shall be considered by the authorized officer in determining the appropriate terms and conditions for approval of the submitted plan.

(4) A copy of an environmental assessment completed under this section shall be submitted to the Geothermal Environmental Advisory Panel. All documents comprising such an assessment shall be made available for review to interested parties with the exception of those data which are subject to the provisions of § 3264.5 of this title. Upon completion of an environmental assessment, the authorized officer shall take such measures as are appropriate to notify appropriate Federal, State, and local agencies, and the public, of the availability of the assessment for review.

[44 FR 37589, June 27, 1979. Redesignated and amended at 48 FR 44788, 44789, Sept. 30, 1983]

§ 3261.4 Required samples, tests, and surveys.

When necessary or advisable, the authorized officer shall require that adequate samples be taken and tests or surveys be made using acceptable techniques, without cost to the lessor, to determine the identity and character of formations; the presence of geothermal resources, water, or reservoir